

110TH CONGRESS
1ST SESSION

S. 890

To provide for certain administrative and support services for the Dwight
D. Eisenhower Memorial Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2007

Mr. INOUE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on Energy and Natural Resources

A BILL

To provide for certain administrative and support services
for the Dwight D. Eisenhower Memorial Commission,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMIS-**
4 **SION.**

5 Section 8162 of the Department of Defense Appro-
6 priations Act, 2000 (Public Law 106–79; 113 Stat. 1274)
7 is amended—

8 (1) by striking subsection (j), and inserting the
9 following:

1 “(j) POWERS OF THE COMMISSION.—

2 “(1) IN GENERAL.—

3 “(A) POWERS.—The Commission may—

4 “(i) make such expenditures for serv-
 5 ices and materials for the purpose of car-
 6 rying out this section as the Commission
 7 considers advisable from funds appro-
 8 priated or received as gifts for that pur-
 9 pose;

10 “(ii) solicit and accept contributions
 11 to be used in carrying out this section or
 12 to be used in connection with the construc-
 13 tion or other expenses of the memorial;

14 “(iii) hold hearings and enter into
 15 contracts;

16 “(iv) enter into contracts for special-
 17 ized or professional services as necessary
 18 to carry out this section; and

19 “(v) take such actions as are nec-
 20 essary to carry out this section.

21 “(B) SPECIALIZED OR PROFESSIONAL
 22 SERVICES.—Services under subparagraph
 23 (A)(iv) may be—

1 “(i) obtained without regard to the
2 provisions of title 5, United States Code,
3 including section 3109 of that title; and

4 “(ii) may be paid without regard to
5 the provisions of title 5, United States
6 Code, including chapter 51 and subchapter
7 III of chapter 53 of that title;

8 “(2) GIFTS OF PROPERTY.—The Commission
9 may accept gifts of real or personal property to be
10 used in carrying out this section, including to be
11 used in connection with the construction or other ex-
12 penses of the memorial.

13 “(3) FEDERAL COOPERATION.—To ensure the
14 overall success of the efforts of the Commission, the
15 Commission may call upon any Federal department
16 or agency to assist in and give support to the Com-
17 mission. The head of each Federal department or
18 agency shall furnish such information or assistance
19 requested by the Commission, as appropriate, unless
20 prohibited by law.

21 “(4) POWERS OF MEMBERS AND AGENTS.—

22 “(A) IN GENERAL.—If authorized by the
23 Commission, any member or agent of the Com-
24 mission may take any action that the Commis-
25 sion is authorized to take under this section.

1 “(B) ARCHITECT.—The Commission may
2 appoint an architect as an agent of the Com-
3 mission to—

4 “(i) represent the Commission on var-
5 ious governmental source selection and
6 planning boards on the selection of the
7 firms that will design and construct the
8 memorial; and

9 “(ii) perform other duties as des-
10 ignated by the Chairperson of the Commis-
11 sion.

12 “(C) TREATMENT.—An authorized mem-
13 ber or agent of the Commission (including an
14 individual appointed under subparagraph (B))
15 providing services to the Commission shall be
16 considered an employee of the Federal Govern-
17 ment in the performance of those services for
18 the purposes of chapter 171 of title 28, United
19 States Code, relating to tort claims.

20 “(5) TRAVEL.—Each member of the Commis-
21 sion shall be allowed travel expenses, including per
22 diem in lieu of subsistence, at rates authorized for
23 employees of agencies under subchapter I of chapter
24 57 of title 5, United States Code, while away from

1 their homes or regular places of business in the per-
 2 formance of services for the Commission.”;

3 (2) by redesignating subsection (o) as sub-
 4 section (q); and

5 (3) by adding at the end the following:

6 “(o) STAFF AND SUPPORT SERVICES.—

7 “(1) EXECUTIVE DIRECTOR.—There shall be an
 8 Executive Director appointed by the Commission to
 9 be paid at a rate not to exceed the maximum rate
 10 of basic pay for level IV of the Executive Schedule.

11 “(2) STAFF.—

12 “(A) IN GENERAL.—The staff of the Com-
 13 mission may be appointed and terminated with-
 14 out regard to the provisions of title 5, United
 15 States Code, governing appointments in the
 16 competitive service, and may be paid without
 17 regard to the provisions of chapter 51 and sub-
 18 chapter III of chapter 53 of that title, relating
 19 to classification and General Schedule pay
 20 rates, except that an individual appointed under
 21 this paragraph may not receive pay in excess of
 22 the maximum rate of basic pay for GS-15 of
 23 the General Schedule.

24 “(B) SENIOR STAFF.—Notwithstanding
 25 subparagraph (A), not more than 3 staff em-

1 ployees of the Commission (in addition to the
2 Executive Director) may be paid at a rate not
3 to exceed the maximum rate of basic pay for
4 level IV of the Executive Schedule

5 “(3) STAFF OF FEDERAL AGENCIES.—Upon re-
6 quest by the Chairperson of the Commission, the
7 Vice-Chairperson, or the Executive Director, the
8 head of any Federal department or agency may de-
9 tail, on a nonreimbursable basis, any of the per-
10 sonnel of the department or agency to the Commis-
11 sion to assist the Commission to carry out its duties
12 under this section.

13 “(4) FEDERAL SUPPORT.—The Commission
14 shall obtain administrative and support services
15 from the General Services Administration on a reim-
16 bursable basis. The Commission may use all con-
17 tracts, schedules, and acquisition vehicles allowed to
18 external clients through the General Services Admin-
19 istration.

20 “(5) COOPERATIVE AGREEMENTS.—The Com-
21 mission may enter into cooperative agreements with
22 Federal agencies, State, local, tribal and inter-
23 national governments, and private interests and or-
24 ganizations which will further the goals and pur-
25 poses of this section.

1 “(6) TEMPORARY, INTERMITTENT, AND PART-
2 TIME SERVICES.—

3 “(A) IN GENERAL.—The Commission may
4 obtain temporary, intermittent, and part-time
5 services under section 3109 of title 5, United
6 States Code, at rates not to exceed the max-
7 imum annual rate of basic pay payable under
8 section 5376 of that title.

9 “(B) NON-APPLICABILITY TO CERTAIN
10 SERVICES.—This paragraph shall not apply to
11 services under subsection (j)(1)(A)(iv).

12 “(7) VOLUNTEER SERVICES.—

13 “(A) IN GENERAL.—Notwithstanding sec-
14 tion 1342 of title 31, United States Code, the
15 Commission may accept and utilize the services
16 of volunteers serving without compensation.

17 “(B) REIMBURSEMENT.—The Commission
18 may reimburse such volunteers for local travel
19 and office supplies, and for other travel ex-
20 penses, including per diem in lieu of subsist-
21 ence, as authorized by section 5703 of title 5,
22 United States Code.

23 “(C) TREATMENT.—A person providing
24 volunteer services to the Commission shall be
25 considered an employee of the Federal govern-

1 ment in the performance of those services for
2 the purposes of —

3 “(i) chapter 81 of title 5, United
4 States Code, relating to compensation for
5 work-related injuries;

6 “(ii) chapter 171 of title 28, United
7 States Code, relating to tort claims; and

8 “(iii) chapter 11 of title 18, United
9 States Code, relating to conflicts of inter-
10 est.

11 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as necessary
13 to carry out this section.”.

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